

Senate Bill No. 833

Passed the Senate June 26, 2014

Secretary of the Senate

Passed the Assembly June 16, 2014

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 4024 of the Penal Code, relating to jails.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, Liu. Jails: discharge of prisoners.

Existing law authorizes the sheriff to discharge a prisoner from the county jail at a time on the last day a prisoner may be confined that the sheriff considers to be in the best interests of that prisoner. Existing law allows for the accelerated release of inmates, as specified, upon the authorization of the presiding judge of the superior court.

This bill would additionally authorize the sheriff to offer a voluntary program to a prisoner, upon completion of a sentence served or a release ordered by the court to be effected the same day, that would allow the prisoner to stay in the custody facility for up to 16 additional hours or until normal business hours, whichever is shorter, in order to offer the prisoner the ability to be discharged to a treatment center or during daytime hours, as specified. The prisoner would be allowed to revoke his or her consent and be discharged as soon as possible and practicable. The bill would also specify that this authorization does not prevent the early release of prisoners as otherwise allowed by law or allow jails to retain prisoners any longer than otherwise required by law without the prisoner's express written consent. The bill would specify that offering this voluntary program is an act of discretion under a specified provision of law that provides immunity from civil liability to a public employee for injuries resulting from the employee's exercise of discretion.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) City and county jails throughout California regularly release jailed persons during nighttime hours.

(b) Oftentimes persons released during late night hours are unable to access basic reentry services.

(c) Persons who suffer from mental illness or substance addiction are sometimes unable to access immediate treatment services following a late night release from jail.

(d) Many California counties have reentry centers that provide a range of services and referrals for persons recently released from jail, however, most centers are typically open during business hours only, leaving persons released at night without these immediate benefits.

(e) While some jurisdictions have attempted to address this issue, there is no standardized policy in place to govern release times.

(f) County detention facilities in Florida, Michigan, Nevada, and New Jersey follow local procedures to release individuals around 6 a.m. on the day they are ordered released, with an exception made when bail is posted.

(g) Las Vegas Metro Detention Center in Nevada releases men and women during the day and night, however, women released at night are brought to a designated part of the city due to safety concerns.

SEC. 2. Section 4024 of the Penal Code is amended to read:

4024. (a) The sheriff may discharge any prisoner from the county jail at such time on the last day such prisoner may be confined as the sheriff shall consider to be in the best interests of the prisoner.

(b) (1) Upon completion of a sentence served by a prisoner or the release of a prisoner ordered by the court to be effected the same day, including prisoners who are released on their own recognizance, have their charges dismissed by the court, are acquitted by a jury, are cited and released on a misdemeanor charge, have posted bail, or have the charges against them dropped by the prosecutor, the sheriff may offer a voluntary program to the prisoner that would allow that prisoner to stay in the custody facility for up to 16 additional hours or until normal business hours, whichever is shorter, in order to offer the prisoner the ability to be discharged to a treatment center or during daytime hours. The prisoner may revoke his or her consent and be discharged as soon as possible and practicable.

(2) This subdivision does not prevent the early release of prisoners as otherwise allowed by law or allow jails to retain prisoners any longer than otherwise required by law without the prisoner's express written consent.

(3) Offering this voluntary program is an act of discretion within the meaning of Section 820.2 of the Government Code.

(4) If a prisoner has posted bail and elects to participate in this program, he or she shall notify the bail agent as soon as possible and practicable of his or her decision to participate.

(5) A sheriff offering this program shall, whenever possible, allow the prisoner volunteering to participate in the program to make a telephone call to either arrange for transportation, or to notify the bail agent pursuant to paragraph (4), or both.

Approved _____, 2014

Governor